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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,668	08/06/2001	Diane A. Richardson	RICH-011	1548

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EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3693

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,668	Applicant(s) RICHARDSON, DIANE A.	
	Examiner JAGDISH PATEL	Art Unit 3624	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 3/31/06.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/31/06 has been entered.

Response to Amendment

3. Claims 1,2,7, 10, 11 have been amended and new claims 12-21 has been added. Claims 1-8 and 10-21 are currently pending.

Response to Arguments

4. Applicant's arguments with respect to rejection of claims over Potter (Pat. No. 5,787,402) have been considered but are moot in view of the new ground(s) of rejections.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3624

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 and 10-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, for example, refers to comparing the account holder private information along with other gathered information with the account holder defined access parameters. It is unclear and indefinite as to how the two sets of data can be compared without communicating the account holder private information and the other gathered information to the server where the access parameters are stored.

Claim 1, also recites “other gathered information” which comprises the location where the account holder private information is entered. This renders the claim unclear since the term “other ..information” is too broad to be interpreted in any specific context. Without correlating the gathered information to specific environment or context, one of ordinary skill in the art would not be able to compare with the account holder defined access parameters. In other words, the claim does not specifically point out the correlation between the “other gathered information” and the access parameters (other than the geographic location) such that the comparison process is enabled.

Note that this deficiency is common to all aforementioned claims.

Claim 21 recites limitation (wherein said account holder defined access parameters include) .. “a selection by said account holder to enable or deny access to said account holder accounts transacted through a bricks and mortar establishment and/or a network connection;”. This

Art Unit: 3624

limitation is unclear because the term “a selection” is not recited with any specificity.

Furthermore, the claim does not specify how these parameters are relevant to the comparing step.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 8, and 10-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson (US PGPub 2004/0034598A1), hereafter Robinson.

8. Regarding claims 1, Robinson teaches a method of client account access protection for client/server or brick and mortar based transactions (see abstract) comprising:

storing account holder defined access parameters input by an account holder, wherein said account holder defined access parameters define parameters that must be satisfied before a transaction of funds or information is authorized (see para [0030] The primary account holder has the option according to the present invention of flexibly designating a variety of parameters associated with access by the third party to the value account at the financial institution 10) wherein said holder defined access parameters are stored on a server

Art Unit: 3624

computer (see [0043] the central database 126) and wherein said account holder defined access parameters include geographic location parameters where said transaction is allowed to occur;

(see [0052] and Figure 3, various options selectable by an account holder in particular block 56, geography)

initiating a transaction of funds or information;

requesting account holder private information;

entering said account holder private information;

(see [0056] access to the primary account by an authorized third party, account holder private information is “system identification number”, the account holder private information is provided to the third party, see [0051])

gathering other gathered information. where said other gathered information comprises the location of said entering said account holder private information for said transaction;

(see para [0052] and [0065], geographic location)

comparing said account holder private information along with said other gathered information with said account holder defined access parameters; and

determining to authorize or deny said transaction based upon the results of said step of comparing.

[see at least [0062] central database actually makes the comparison and applies the conditions previously set by the primary account holder under which the value account may be accessed]

claim 2. where said account holder defined access parameters is any one or combination comprised of: a password; account holder accounts selected enabled or denied by said account

Art Unit: 3624

holder for said transaction; merchants selected enabled or denied for transaction with said account holder accounts by said account holder; ...

(see system identification number as described in para [0043], predetermined threshold amount, merchant type limitations 60 in para [0052]).

Claim 3. where said geographic location parameters comprise Post Office zip codes, telephone area codes and telephone country codes (see [para [0052])

Claim 4. where said network comprises the Internet or intranet (see [0043] “via a network such as the Internet”).

Claim 5 and 6: refer to para [0025] access via a PC to the central database 12.

Claim 8. said requested account holder private information comprises name, address, password, account number or credit card number. (see para [0043]).

Claim 10. authorizing said transaction if requested private account holder information and said other gathered information matches said account holder defined access parameters;

denying said transaction if the requested private account holder information and said other gathered information does not match the said account holder defined access parameters.

(see para [0057], approval or decline of the transaction)

Claim 11. including the step of changing said account holder defined access parameters.

([0043] inherent because the primary accountholder has access to the personal information initially entered by him.).

All limitations of method claims 12-16 and 18-20 are analyzed as per analysis presented in claims 1-6, 8, 10 and 11.

Art Unit: 3624

Regarding claims 21: account holder defined access parameters including geographic location parameters (see [0052] “geography limitations”), a password (“system identification number”), account holder accounts (see [0053], multiple accounts, merchants selected or denied for transaction (see [0052] merchant type limitations), monetary amount (see [0052] amount limitations), selection ..to enable or deny access to ..account holder accounts (see [0053]).

All other limitations of claim 21 are analyzed as per claims 1-6, 8, 10 and 11 analysis.

Claim Rejections - 35 USC § 103

9. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

Robinson fails to teach establishing connection comprising the SET, TLS or SSL secure transaction protocol.

Official Notice is taken that the transaction protocol referred to in the claim are old and well known. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to select a any one or more of the transaction protocol for establishing connection as a design choice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

7/6/06